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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,179	07/19/2000	Dimitri Kanevsky	YO999-468	1031

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Paul D Greeley Esq
Ohlandt Greeley Ruggiero & Perle LLP
One Landmark Square 9th floor
Stamford, CT 06901-2682

EXAMINER

CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 05/25/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/619,179

Applicant(s)

KANEVSKY ET AL.

Examiner

Truc T Chuong

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-53 and 58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-53 and 58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to Amendment C, filed 03/05/04.
2. Claims 44-53, and 58 are pending in this application. Claim 44 is independent claims. In Amendment C, claims 44 and 58 are amended. This rejection is a non-final.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 48 recites the limitation "said first opened time", "said first opened time", "said first opened time", "said last opened time", "said contents", etc. in line 2-3. There is insufficient antecedent basis for this limitation in the claim.

Examiner will assume that first/last opened time are time interval when rejecting claim 48.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 44-53, and 58 are rejected under 35 U.S.C. 102(b) as being anticipated by Bass et al. (U.S. Patent No. 4,559,533).

Art Unit: 2174

As to claim 44, Bass teaches a method for automatic control of window viewing, comprising:

determining a priority for each window of a set of windows that are arranged so that said windows overlap one another on a graphical user interface (priority, col. 2 lines 19-36, col. 4 lines 58-65); and

automatically re-arranging said windows so that said windows overlap one another in order of said priority on said graphical user interface (col. 9 line 43-col. 10 line 8, and figs. 4A-C).

As to claim 45, Bass teaches the method according to claim 44, further comprising: automatically sizing said windows on said graphical user interface according to said priority (the number of bits per pixel can all be increased or decreased, col. 14 lines 18-20).

As to claim 46, Bass teaches the method according to claim 44, further comprising: automatically positioning said windows on said graphical user interface according to said priority (location parameters, col. 5 lines 1-9).

As to claim 47, Bass teaches the method according to claim 44, wherein said windows are automatically re-arranged only when a redrawing function is selected by a user (the priorities have been changed, col. 9 line 57-col. 10 line 8, and figs. 4A-C).

As to claim 49, Bass teaches the method according to claim 44, further comprising: automatically displaying for said window in a color according to said priority on said graphical user interface (colors, col. 11 lines 20-62).

As to claim 50, Bass teaches the method according to claim 44, wherein contents of said window is determined by latent semantic indexing (Viewports, col. 9 line 43-col 10 line 34, and figs. 4A-C).

As to claim 51, Bass teaches the method according to claim 44, wherein contents of said window is determined by a content label assigned by a user (labeled different colors by users, col. 11 lines 26-62).

As to claim 52, Bass teaches the method according to claim 44, further comprising:
automatically re-arranging icons so that said icons overlap one another in order of said priority in said task bar on said graphical user interface (col. 9 line 43-col 10 line 34, and figs. 4A-C).

As to claim 53, Bass teaches the method according to claim 44, further comprising:
automatically arranging icons so that said icons overlap one another in order of said priority on a desktop on said graphical user interface (the viewports can be located such that they overlap, col. 4 lines 58-65).

As to claims 48 and 58, Bass teaches the method according to claim 44, wherein said priority is based on at least one criteria selected from the group consisting of: each of a set of windows based on a first opened time for said window, a last opened time for said window, a current time, contents of said window, a percent visibility of said window, a scrolling amount for said window, and an access amount for said window (the time that a command is given to change the picture and the time that the picture actually changes, col. 1 lines 60-62).

Response to Arguments

Applicant's arguments with respect to claims 44-53, and 58 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

04/11/04

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100